

To the members of the Appeals Board:

As chair of the Planning Board, I am requesting that you reconsider the decisions you made with regard to the Gott vs. Planning Board appeal, namely,

The Board of Appeals, by a 3-2 majority, remands to the Planning Board, Section J1 of the Site Plan Review Ordinance with instruction to break the tie vote, and impose such conditions that may satisfy compliance with this section.

Voting in Favor: Fenton, Fowler, Bragdon

Voting in Opposition: Crotteau, Wuorinen

However, neither the taped recordings nor the written minutes of the deliberations of the Appeals Board indicate that the Appeals Board remanded the matter to the Planning Board with either the instruction to break the tie vote or to impose such conditions that may satisfy compliance with this standard. In fact, the minutes show that the Appeals Board voted 5-0 that the Planning Board had interpreted the tie vote correctly! Nor does the record of proceedings indicate that you voted to instruct the Planning Board to impose a condition. The chairman simply noted that the Planning Board had imposed no condition. I would request that the record be set straight in this regard and that the Appeals Board state with clarity its actual decision regarding Review Standard J1. The Planning Board cannot comply with the instructions as they are currently written nor does it wish to appeal the matter in its present form to Superior Court; hence, my request for the Appeals Board to reconsider its decision with reference to Site Plan Review Standard J1.

Also, the Appeals Board failed to act on the appellant's claim that the Planning Board misinterpreted the Comprehensive Plan, which is a separate issue from the matter of vagueness. I would request that the Appeals Board act on that issue so the Planning Board would have some basis on which to respond, with either compliance or appeal.

Sincerely,

John Holt